

Appln. No. 10/090,624
Amd. dated April 5, 2004
Reply to Office Action of January 14, 2004

REMARKS

The Office Action and the cited and applied references have been carefully reviewed. No claim is allowed. Non-elected claims 6-19 withdrawn from consideration are cancelled without prejudice to the filing of a divisional application thereon. Claims 1, and 3, and new claim 20 presently appear in this application and define patentable subject matter warranting their allowance. Reconsideration and allowance are hereby respectfully solicited.

Claim 1 has been objected to because the examiner holds that claim 1 recites the non-elected subject matter of SEQ ID NO:4. This objection is respectfully traversed.

Claim 1 is now amended to recite for SEQ ID NO:1.

The protein, recited in new claim 20 as being encoded by the polynucleotide, comprises the amino acid sequence of SEQ ID NO:1, the elected sequence. SEQ ID NO:1 corresponds to the amino acid sequence of SEQ ID NO:4 from which 110 amino acid residues are deleted from the C-terminus. It should be pointed out that new claim 20 tracks the language of the protein claims in U.S. Patent No. 6,358,726, which issued from parent application 09/445,472. Accordingly, reconsideration and withdrawal of the objection regarding recitation of SEQ ID NO:4 is respectfully requested.

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Claims 1-5 have been rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. This rejection is obviated by the amendment to claim 1 where the term "isolated polynucleotide" is adopted.

Claims 1-5 have been rejected under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. While not conceding to the examiner's position, this rejection is obviated by the amendment to the claims.

Claim 5 has been rejected under 35 U.S.C. §112, first paragraph, for lack of enablement. This rejection is obviated by the cancellation of the rejected claim.

Claims 1-5 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite. This rejection is also obviated by the amendments to the claims.

Claims 4 and 5 have been separately rejected under 35 U.S.C. §102(a) as being anticipated by Asada et al. These two rejections are obviated by the cancellation without prejudice of rejected claims 4 and 5.

In view of the above, the claims comply with 35 U.S.C. §112 and define patentable subject matter warranting their

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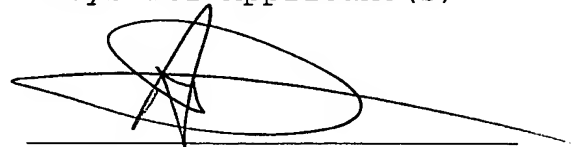
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allowance. Favorable consideration and early allowance are earnestly urged.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By

A handwritten signature in black ink, appearing to be 'Allen C. Yun', is written over a horizontal line. The signature is stylized with a large loop and a long horizontal stroke extending to the right.

Allen C. Yun

Registration No. 37,971

ACY:pp

Telephone No.: (202) 628-5197

Facsimile No.: (202) 737-3528

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